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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,855	01/23/2002	William E. Mazzara JR.	GP-301992	3080

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/057,855

Applicant(s)

MAZZARA ET AL.

Examiner

Huy Q Phan

Art Unit

2687

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see continuation sheet _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

In response to Applicant's arguments with regard to the rejections of claims 1, 12 and 18 as being unpatentable over Wendling (US-6,701,161) in view of Odinak (US-2003/0096641).

Regarding claim 1, Wendling discloses in figure 2, a method of operating a telematics unit in a mobile vehicle, comprising: receiving a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49); activating a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7). But, Wendling fails to expressly teach receiving a mobile phone identification number sent in response to a radio button activation; and activating an operations mode in response to the received mobile phone identification number.

However in analogous art, Odinak teaches receiving a mobile phone identification number sent in response to a radio button activation (fig. 1, [0008] and [0014]); and activating an operations mode in response to the received mobile phone identification number (fig. 1, [0008] and [0014]). Since, Wendling and Odinak are related to the method for telematic using specifically in vehicle; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wendling as taught by Odinak for purpose of offering the driver of using the car phone as same as his mobile phone.

Regarding claim 12, Wendling discloses in figure 1, a computer usable medium (fig. 1, features SW and A-SW) including a program for operating a telematics unit in a mobile vehicle comprising: computer program code (col. 4, lines 1-60) to receive a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49); computer program code (col. 4, lines 1-60) to activate a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7). But, Wendling fails to expressly teach receiving a mobile phone identification number sent in response to a radio button activation; and activating an operations mode in response to the received mobile phone identification number.

However, Odinak teaches computer program code (fig. 1 and [0013]) to receive a mobile phone identification number sent in response to a radio button activation (fig. 1, [0008] and [0014]); and computer program code (fig. 1 and [0013]) to activate an operations mode in response to the received mobile phone identification number (fig. 1, [0008] and [0014]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wendling as taught by Odinak for purpose of offering the driver of using the car phone as same as his mobile phone.

Regarding claim 18, Wendling discloses in figure 2, a system for operating a telematics unit in a mobile vehicle comprising: means for receiving a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49); means for activating a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7). But, Wendling fails to expressly teach means for receiving a mobile phone identification number sent in response to a radio button activation; and means for activating an operations mode in response to the received mobile phone identification number.

However, Odinak teaches means for receiving a mobile phone identification number sent in response to a radio button activation (fig. 1, [0008] and [0014]); and means for activating an operations mode in response to the received mobile phone identification number (fig. 1, [0008] and [0014]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wendling as taught by Odinak for purpose of offering the driver of using the car phone as same as his mobile phone.

Dr. Huyphan AU: 2687


SONNY TRINH
PRIMARY EXAMINER